

2025

Regulatory Agenda



COLORADO
Department of Health Care
Policy & Financing

Overview

The Colorado Department of Health Care Policy and Financing submits the following 2025 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous Department Regulatory Agenda was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department’s “Regulatory Efficiencies Reviews” during 2022 (which are denoted as such in the “purpose” column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department’s web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its “SMART Act” hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Department of Health Care Policy and Financing’s DRA for 2023-2024 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

| Schedule (Month, Year) | Rule Number and Title or Brief Description | Division/ Board/ Program | New rule, revision, or repeal? | Statutory or other basis for adoption of rule | Part of Mandato ry Rule Review? (X if yes) | Purpose | Stakeholders Consider including high-level outreach bullets | Anticipated Hearing Date |
|------------------------------|--|---|--|---|--|--|--|--------------------------------|
| January 2025 | 10 CCR 2505-5 1.010 - 1.200.9 Executive Director of Health Care Policy and Financing rules | Policy, Communication , and Administration Office | Revision | Section 1902(a) of the Social Security Act | | Revision to rules for program and fiscal administration of counties. | Health First Colorado members, providers | January 2025 |
| January 2025 | 10 CCR 2505-10 Section 8.443 Technical Changes to Nursing Home Rules | Office of Community Living | Revision | 42 CFR 433.68 and 42 U.S.C. § 1396b(w) | | Revision to the Medical Assistance Nursing Home Rule Concerning Technical Change | Health First Colorado clients, providers | January 2025 |
| January 2025 | 10 CCR 2505-10 Section 8.100 Continuous Eligibility Updates for children under the age of 19 | Eligibility Policy Office | Revision | 42 CFR 435.603 & 42 CFR 435.952 | | Updates will be made to the Medical Assistance and Child Health Plan Plus Continuous Eligibility (CE) for Children under 19 years of age. Updates include the removal of the 14-day no-fault period and the CE exception to terminate a child under 19 for failure to provide documentation during a | Health First Colorado clients, providers | January 2025 |

| | | | | | | | | |
|--|--|--|--|--|--|--|--|--|
| | | | | | | <p>Reasonable Opportunity period (ROP). Updates will also allow a 12-month lock-in period for members incarcerated during their CE period. Member(s) who are under 19 years of age and eligible for Family Planning (FP) will now also be able to receive CE. Updates to rules will also clarify CE eligibility for children who acquired other insurance while in a CE period and add an exception to the CE rules for determinations where eligibility was erroneously granted because of agency error or fraud/misrepresentation.</p> | | |
|--|--|--|--|--|--|--|--|--|

| Schedule (Month, Year) | Rule Number and Title or Brief Description | Division/ Board/ Program | New rule, revision, or repeal? | Statutory or other basis for adoption of rule | Part of Mandator y Rule Review? (X if yes) | Purpose | Stakeholders Consider including high-level outreach bullets | Anticipate d Hearing Date |
|------------------------------|--|----------------------------------|--|--|--|--|--|---------------------------------|
| April 2025 | 10 CCR 2505-10 Section 8.7000 Children with Complex Health Needs Waiver | Health Policy Office | New | 42 CFR § 441.301(c)(1) (vi) | | This rule will amend the existing language for the Children with Life Limiting Illness Waiver (CLLI) to expand the eligible population to include children on the Children’s Home and Community Based Services Waiver. This rule will rename the waiver the Children with Complex Health Needs Waiver and ensure that the current waiver services available on the CLLI waiver are now available on the Children with Complex Health Needs Waiver. | Health First Colorado members, providers | April 2025 |
| April 2025 | 10 CCR 2505-10 Section 8.7600 Community First Choice | Office of Community Living | New rule | 42 CFR § 441.301(c)(1) (vi) | | This rule will create a new section in the Medical Assistance, 8.7000 rules for Home and Community Based Services to include Community First Choice. This will also amend existing sections of 8.7000, such as the services section, to include Community First Choice eligibility. | Health First Colorado clients, providers | April 2025 |

| Schedule (Month, Year) | Rule Number and Title or Brief Description | Division/ Board/ Program | New rule, revision, or repeal? | Statutory or other basis for adoption of rule | Part of Mandatory Rule Review? (X if yes) | Purpose | Stakeholders Consider including high-level outreach bullets | Anticipated Hearing Date |
|------------------------------|--|-----------------------------------|--|--|---|---|--|--------------------------------|
| April 2025 | 10 CCR 2505-10 Section 8.7600 Community First Choice | Office of Community Living | New rule | 42 CFR § 441.301(c)(1) (vi) | | This rule will create a new section in the Medical Assistance, 8.7000 rules for Home and Community Based Services to include Community First Choice. This will also amend existing sections of 8.7000, such as the services section, to include Community First Choice eligibility. | Health First Colorado clients, providers | April 2025 |
| November 2024 | 10 CCR 2505-10 Section 8.7101.E Children's Habilitation Residential Program Waiver (CHRP) Waiver Eligibility Expansion | Office of Communit y Living | Revision | 1915 (b) (4) | | New Eligibility criteria language and definitions are being added to Children's Habilitation Residential Program Waiver (CHRP) Waiver. | Health First Colorado members, providers | November 2024 |

| Schedule (Month, Year) | Rule Number and Title or Brief Description | Division/ Board/ Program | New rule, revision, or repeal? | Statutory or other basis for adoption of rule | Part of Mandatory Rule Review? (X if yes) | Purpose | Stakeholders Consider including high-level outreach bullets | Anticipated Hearing Date |
|------------------------------|---|--------------------------------|--|--|---|--|--|--------------------------------|
| December 2024 | 10 CCR 2505-10 Section 8.7553 Wellness Education Benefit Revision | Office of Community Living | Revision | 1915 (b) (4) | | Amending existing language to the Wellness Education Benefit (8.7553) to include benefit eligibility to members on the following waivers: Developmental Disabilities, Supported Living Services, Elderly, Blind, and Disabled, Complementary and Integrative Health, Community Mental Health Supports, Brain Injury, Children with Life Limiting Illness, Children's Extensive Support, and Children's Habilitation Residential Program. | Health First Colorado members, providers | December 2024 |
| December 2024 | 10 CCR 2505-10 Section 8.125 & 8.126 Provider Screening and National Provider Identifier Number | Health Policy Office | Revision | 42 CFR Parts 412, 413, 425, 455, and 495 | | Add newly established provider types to the provider screening and NPI rules in order to ensure alignment with other rule updates that have occurred. It is imperative that Department rules are in alignment with each other. | Health First Colorado members, providers | December 2024 |